

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SPD SWISS PRECISION DIAGNOSTICS  
GmbH, a Switzerland Corporation,

Plaintiff,

v.

CHURCH & DWIGHT CO., INC.,

Defendants.

No. 09-291 JSW

**ORDER RESOLVING MOTION  
FOR ADMINISTRATIVE RELIEF  
AND STIPULATION  
REGARDING PAGE LIMITS**

Now before the Court for consideration is the motion for administrative relief filed by Plaintiff SPD Swiss Precision Diagnostics GmbH ("SPD"), in which it asks the Court to set a hearing date and a briefing schedule on its Motion for a Preliminary Injunction and a Motion to Transfer Venue filed by Defendant Church & Dwight Co., Inc. ("C&D"). C&D does not oppose the request to set a hearing date and briefing schedule, but it does oppose SPD's proposed schedule.<sup>1</sup> C&D also notes that it intends to file a cross-motion for preliminary injunction.

The Court has considered the parties' papers, and the attachments thereto, and concludes that, in the interests of efficiency, all three motions should be heard on the same day. However, the Court shall order the parties to complete the briefing on the motion to transfer venue in advance of the cross-motions for preliminary injunctions. Further, in light of C&D's

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<sup>1</sup> The Court appreciates the parties efforts to come to a mutually agreeable schedule, however when it became apparent that they were at an impasse, there was nothing to preclude *either party* from re-noticing its motion on an available date on this Court's calendar, which would have then triggered a briefing schedule under the Local Rules.

1 representations that the arguments and evidence on the motions for preliminary injunctions will  
2 overlap, the Court is modifying the normal briefing procedure. Accordingly, it is HEREBY  
3 ORDERED as follows:

4 1. SPD's opposition brief to the motion to transfer is due on March 18, 2009. C&D's reply  
5 shall be due on March 25, 2009. SPD may have twenty-five pages for its opposition brief and  
6 C&D may have fifteen pages for its reply, per the stipulation filed on March 6, 2009.

7 2. C&D's responsive pleading, and *combined* cross-motion for preliminary injunction and  
8 opposition to SPD's motion for a preliminary injunction shall be due on March 20, 2009.  
9 C&D's opposition and cross-motion shall not exceed thirty-five pages.

10 3. SPD's *combined* opposition to C&D's cross-motion and reply in support of its motion for  
11 a preliminary injunction shall be due on April 3, 2009. SPD's opposition and reply shall not  
12 exceed thirty pages.

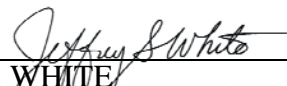
13 4. C&D's reply in support of its motion for a preliminary injunction shall be due on April  
14 10, 2009. C&D's reply shall not exceed 15 pages in length.

15 5. The parties have stated that they expect some discovery may be necessary in connection  
16 with the motions for preliminary injunction. The Court *shall* not alter this briefing schedule  
17 absent a showing that the need for discovery makes it impossible for a party to effectively  
18 prepare its briefs under the current schedule. If *either* party seeks relief from the Court, that  
19 party shall set forth the specific discovery required and the reason that discovery cannot be  
20 completed before one of the deadlines set by this Order.

21 6. The hearing on all motions shall be on May 1, 2009 at 9:00 a.m. In the event, the Court  
22 determines that any of the motions is suitable for disposition without oral argument, it shall  
23 notify the parties in advance of the hearing date.

24 **IT IS SO ORDERED.**

25 Dated: March 9, 2009

26   
27 JEFFREY S. WHITE  
28 UNITED STATES DISTRICT JUDGE